

IN THE COURT OF JUDICIAL MAGISTRATE No. V, MADURAI

Present: E. Pravin Kumar, B.A.,B.L.,

J.M. V, Madurai

Monday, 29th of June 2020

Crmp 541/ 2020

1. Simsoan Yabesh

S/o.Dharmaraj

.... Petitioner/Accused

Vs

State rep. by Sub Inspector of police,

Karimedu L&O Police Station

Crime No. 952/2017

U/sec.392,397,506(2) IPC

... Respondent/Complainant

For petitioner/accused: Mr. K.Ramesh kumar, B.A.,B.L., (MS.3027/2009)

For Respondent/Complainant: Mrs.R. Thilagarani, M.L., Grade II Assistant Public
Prosecutor

29-06-2020

Order

1) The petitioner/ accused filed this petition seeking to modify the condition in Crime No. 952/2017, U/sec. 392,397,506(2) IPC. Notice was given to the other side. Heard both side arguments.

2) The learned counsel for the petitioner argued that the accused was granted statutory bail u/s.167 Crpc in the above crime number on 12.03.2019. The condition

imposed in the bail order was for the accused to execute a bond for Rs.10,000/- along with two sureties in which one must be a blood surety. But at that time the petitioner was not able to produce surety . Later due to covid 19 situation and lockdown the accused was not able to produce sureties. Even after bail being granted the petitioner is in judicial custody for past 2 years 6 months and 13 days. This petition is being filed through legal aid . The investigation in this case is almost over. Thus the petitioner / accused prays to be released on own bond. Hence considering all the above facts the petitioner prayed that this petition for modification of condition may be granted.

3) In reply to the above contention, the prosecution has stated that this is grave case. The charge sheet for this case is ready but not filed before this court. One previous case is pending against this accused in same police station in cr.no. 1070/2015 u/s.302, SC No.120/2018 in trial stage. If the condition in this case is modified by this Hon'ble Court, the accused may dishonour the bail conditions and abscond which leads to the Prosecution Case collapse. Hence prosecution request this Hon'ble Court not to modify the conditions and execute the previous order. Hence considering all the above facts the prosecution prayed that the petition may be dismissed.

4) This court has taken into consideration the facts and circumstances of the case. On perusal of records it can be seem that statutory bail u/s.167 Crpc was granted on 12.03.2019. But due to non furnishing of surety this accused is in custody for past 1 year 3 months 21 days. Hence considering all the above facts and circumstances of the case , economic and social condition of the accused and the personal liberty guaranteed by our constitution and that the accused is in custody for past 1 year 3 months 21 days even after bail being granted and charge sheet not filed till date and the present covid 19 situation and the congestion inside prison and in the interest of justice this court is inclined to modify the condition .

5) Hence, the condition is modified and the accused shall be enlarged on bail on his executing own bond for Rs. 10,000/- to the satisfaction of Superintendent, Central Prison , Madurai.

6) In the result this petition is allowed.

(S/d) E. Pravin Kumar

Judicial Magistrate No. V,

Madurai

Copy to :

1) The Superintendent, Central Prison, Madurai.